

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 17, 2006**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of May 17, 2006, was called to order by Mayor Hitchcock at 6:05 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

a) Public Employment – Council Appointee – job title, City Clerk; pursuant to Government Code §54957

b) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed

**C-3     ADJOURN TO CLOSED SESSION**

At 6:05 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:02 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:02 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed that no reportable action took place in closed session.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of May 17, 2006, was called to order by Mayor Hitchcock at 7:02 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**B.     INVOCATION**

The invocation was given by Pastor Tim Pollock, Home Church.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Hitchcock.

**D.     AWARDS / PROCLAMATIONS / PRESENTATIONS**

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Mayor Hitchcock presented a Certificate of Appreciation to Sarah Costa for her active role in promoting the water tower art design. Additionally, the Mayor presented Sarah with a framed copy of the art work, signed by the artist, Rick Cardinio, Jr.

D-3 (b) Mayor Hitchcock presented a Resolution of Appreciation to City Clerk, Susan Blackston, for her six years of service to the City of Lodi community. Ms. Blackston recognized and thanked her staff members Jennifer Perrin, Jackie Taylor, and Dana Chapman. She expressed gratitude for the privilege of working with Lodi Mayors Mann, Pennino, Nakanishi, Hitchcock, Hansen, and Beckman. She felt her greatest accomplishment was in earning the trust of the public, while providing assistance to them in understanding the processes of local government.

- D-3 (c) Pat Patrick, Executive Director of the Lodi Chamber of Commerce, explained that the Shop Lodi Campaign is aimed at Lodi residents to understand the importance of their consumer dollar. Sales tax revenue is the number one revenue stream for the City and it funds services. Keeping sales tax dollars in Lodi saves jobs and helps local businesses that donate to local charities. He reviewed the marketing efforts that would be employed from June through December 2006.
- 

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- E-1 Claims were approved in the amount of \$4,903,045.08.
- E-2 The minutes of April 18, 2006 (Shirtsleeve Session), April 25, 2006 (Shirtsleeve Session), May 2, 2006 (Shirtsleeve Session), and May 2, 2006 (Special Meeting) were approved as written.
- E-3 Received the quarterly report of purchases between \$5,000 and \$20,000.
- E-4 "Accept improvements under contract with Crutchfield Construction for Water and Wastewater Main Replacement Program – Project No. 2" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.
- E-5 Accepted the improvements under "Century Boulevard Roadway Improvements Project, Lower Sacramento Road to Sage Way" contract with George Reed Inc.
- E-6 Adopted Resolution No. 2006-85 accepting the improvements under "Harney Lane Improvements along Legacy Estates, Unit 1" contract.
- E-7 Adopted Resolution No. 2006-86 accepting improvements under "Lower Sacramento Road Median Landscape Project, Kettleman Lane to Harney Lane" contract with Odyssey Landscape Company, Inc. and appropriating funds in the amount of \$183,000.
- E-8 "Adopt resolution accepting improvements in Legacy Estates Unit 2, Tract No. 3382, and amending Traffic Resolution 97-148 by approving installation of a multi-way stop control at the intersection of Mills Avenue and Wyndham Way" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.
- E-9 "Adopt resolution amending Traffic Resolution 97-148 by approving the speed limit modifications, which reduces the speed limit from 35 to 30 miles per hour on Brandywine Drive and increases the speed limit from 40 to 45 miles per hour on Pine Street from Guild Avenue to east City limits" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.
- E-10 Adopted Resolution No. 2006-87 awarding the contract for Lockeford Street and Sacramento Street Signal and Lighting Project to Pacific Excavation, of Elk Grove, in the amount of \$252,800, and appropriating additional funds in the amount of \$62,000.
- E-11 Adopted Resolution No. 2006-88 approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities that will serve the Summer Swim League program, which will run for the period of May 30, 2006 to July 27, 2006.
- E-12 Set special meeting for May 31, 2006, to present the 2006-07 Operating and Capital Outlay Budget.

- E-13 Set public hearing for June 7, 2006, to review and receive comments regarding City of Lodi 2006-07 Operating and Capital Outlay Budget.
- E-14 Adopted the following resolutions and set a public hearing for June 21, 2006:
- Resolution No. 2006-89 for preliminary approval of the Engineer's Annual Levy Report regarding the proposed levy and collection of assessments for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2006-07; and
  - Resolution No. 2006-90 of the City Council declaring its intention for the levy and collection of assessments for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2006-07.
- E-15 Set public hearing for June 21, 2006, to consider the appeal from Mohammad Dawood Khan and Rehana Khan regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN 043-170-03).
- E-16 Adopted Resolution No. 2006-91 authorizing the City Manager to sign and file a financial assistance application for a grant from the State Water Resources Control Board in the amount not to exceed \$75,000 for the facilities planning study for the City of Lodi Recycled Water Master Plan; to negotiate a grant contract and any amendments or change orders; and to certify that the City has and will comply with all applicable state and federal statutory and regulatory requirements related to any grants received.

---

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-4 "Accept improvements under contract with Crutchfield Construction for Water and Wastewater Main Replacement Program – Project No. 2"

Council Member Hansen emphasized the important work that has been completed, including 12,000 lineal feet of existing wastewater pipes being replaced and the installation of 7,000 lineal feet of new water main in the public right of way, along with 311 new water services.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously accepted the improvements under "Water and Wastewater Main Replacement Program – Project No. 2" contract with Crutchfield Construction.

- E-8 "Adopt resolution accepting improvements in Legacy Estates Unit 2, Tract No. 3382, and amending Traffic Resolution 97-148 by approving installation of a multi-way stop control at the intersection of Mills Avenue and Wyndham Way"

Mayor Hitchcock stated that this appears to be for the purpose of slowing down traffic rather than addressing cross traffic, which is normally the case when stop signs are installed.

Public Works Director Prima reported that numerous calls have been received from residents in the area. He acknowledged that it is being done for neighborhood traffic management. Additional pedestrian traffic is anticipated at the intersection.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, adopted Resolution No. 2006-92 accepting the improvements in Legacy Estates Unit 2, Tract No. 3382, and amending Traffic Resolution 97-148 by approving installation of a multi-way stop control at the intersection of Mills Avenue and Wyndham Way. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mounce

Noes: Council Members – Mayor Hitchcock

Absent: Council Members – None

- E-9 "Adopt resolution amending Traffic Resolution 97-148 by approving the speed limit modifications, which reduces the speed limit from 35 to 30 miles per hour on Brandywine Drive and increases the speed limit from 40 to 45 miles per hour on Pine Street from Guild Avenue to east City limits"

Council Member Mounce expressed concern about increasing the speed limit from 40 to 45 miles per hour because of the businesses located in the area.

Public Works Director Prima explained that it is a transition zone from rural to a developed area. There have been enforcement issues in the past. A traffic study showed that the increase was warranted and radar enforcement cannot be used otherwise. A street maintenance project is planned for the area of Central Avenue between Kettleman Lane and Vine Street. The traffic survey showed that there has been no change since it was done five years ago. Once the street maintenance work is done, the traffic survey will be updated.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hansen second, adopted Resolution No. 2006-93 amending Traffic Resolution 97-148 by approving the speed limit modifications, which reduces the speed limit from 35 to 30 miles per hour on Brandywine Drive and increases the speed limit from 40 to 45 miles per hour on Pine Street from Guild Avenue to east City limits. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Mounce

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Jane Lea reported that 4,401 signatures were filed with the City Clerk on the Water Rate Reduction Initiative petition. The San Joaquin County Registrar of Voters certified 4,020 signatures, which qualifies the initiative for the November ballot. She thanked volunteers and citizens for signing the petition. She stated that essential services are what the citizens of Lodi pay for first with their tax dollars. She proposed that the following expenditures be suspended until the City is financially healthy:
  - \$10,000 for the purchase of bottled water
  - \$21,000 contribution to the San Joaquin Partnership
  - \$123,000 contribution to the Lodi Conference and Visitors Bureau
  - \$16,000 contribution to the League of California Cities
  - \$18,000 contribution to the Chamber of Commerce
  - \$42,000 for the Youth Commission
  - \$26,000 for Art in Public Places
  - \$11,000 for the Arts Commission

Ms. Lea stated that \$500,000 is in an account for Art in Public Places, which was diverted from impact fees paid by developers for amenities to the community such as public safety, fire stations, parks, roads, and water and sewer upgrades. She felt that in a budget crisis year, as the City claims, these monies should be returned to their intended purpose. She recommended that the budget for Hutchins Street Square be reduced by 20% with the understanding that it becomes self supporting in the near future. She reported that Lodi citizens voted against Measure A by nearly two to one on November 5, 1985, not to subsidize Hutchins Street Square. The lawsuit settlement of \$1.8 million with Pacific Gas and Electric will soon be payable to the City. Currently, Lodi has a \$2 million credit with the Northern California Power Agency. Due to rising prices of gasoline, the City's gas tax revenue will increase substantially, and Ms. Lea suggested that this money be put toward the groundwater contamination cleanup. In total, these actions could account for more than \$4,800,000.

- Mary Hoff stated that many residents surrounding the proposed Delta College satellite campus site attended the Board of Trustee's meeting last night. At the May 3 Council meeting, residents asked that the matter be placed on a future agenda. She alleged that there is a conflict of interest between realtor Tad Platt and Council Members Hansen and Johnson, both of which serve on the Delta College Task Force.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Johnson asked to be provided with a copy of the list that Ms. Lea read and suggested that it be addressed during upcoming budget discussions. He commended City Manager King for his work on the Blue Shield project. He recalled asking previously that the matter of alternative work programs be brought back to Council. He recently received a letter regarding a problem on Cherokee Lane; however, it was not signed, and he asked the sender to respond so that he could follow up on the matter.
- Council Member Mounce reported that she recently attended a conference hosted by the Great Valley Center in Sacramento. Topics discussed included sustainable communities, how to approach general plans, air quality, affordable housing, and mass transit. She mentioned that the Lodi City Employees Association donated gifts to the Children's Home of Stockton. She congratulated her parents Dave and Betty Gates for finishing in first and second place in the Walk for the Health of It event that had 1,100 participants.
- Council Member Hansen responded to Ms. Hoff's earlier comment by stating that he did not have a conflict of interest in the Delta College matter as he had nothing to gain financially from the project. He stated that Council understands that some residents are opposed to the location; however, he must weigh the greater good and believed there were significant benefits to the City from this learning institution locating in Lodi. He was not in favor of scheduling an item on the Council agenda at this time because there would be opportunities afforded for public comment through the due diligence process that Delta College is currently undertaking. In response to Ms. Lea's comments, he was opposed to making any changes that would affect electric rates. He warned that if water rates were rescinded the City's ability to maintain the level of service that citizens now enjoy would be drastically effected. He pointed out that more than half the City's budget goes toward public safety.
- Council Member Beckman distributed a list of meetings he attended during the San Joaquin Council of Governments One Voice event (filed). Over a four-day period, 45 individual meetings were held with a variety of policy makers at various levels.
- Mayor Hitchcock reported that she interviewed 15 candidates for the Youth Commission last Saturday. She mentioned that a joint meeting with the Arts Commission was held yesterday. She thanked Council Member Hansen for clarifying the difference between property rights and speculation in a recent article he wrote that was published in the Lodi News-Sentinel. She asked the City Manager to estimate impacts to the City's budget based on the effects of the Water Rate Reduction initiative passing, i.e. a \$3 million annual decrease for the next 30 years.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King mentioned that the topic of the May 23 quarterly utility report will include the status of the Electric Utility budget. At that meeting the general operating reserve at Northern California Power Agency (NCPA) will be discussed. Included in that amount is the \$2.8 million settlement received from PG&E. He believed it would be necessary to use these funds during fiscal year 2005-06. He encouraged the public to attend the May 31 and June 7 City Council meetings, at which the budget will be discussed.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Mounce, Beckman second, unanimously made the following appointment:

Lodi Improvement Committee

Abel Miranda Term to expire March 1, 2008

- b) The City Council, on motion of Mayor Hitchcock, Mounce second, unanimously directed the City Clerk to post for the following vacancy:

Greater Lodi Area Youth Commission

MaryAnn Porterfield Term to expire May 31, 2007

J-3 Miscellaneous

- a) In regard to the correspondence from Mary Hoff requesting that an item be placed on a City Council agenda regarding the Delta College satellite campus proposal, the City Council took no action. At the conclusion of the meeting, following discussion, Council concurred that a letter to Ms. Hoff would be drafted by the City Manager and signed by Mayor Hitchcock that briefly outlined the process that is currently taking place through Delta College and addressing the fact that it would be premature at this time for the City Council to place an item on its agenda to consider the matter. Council Member Beckman indicated that he would speak with Ms. Hoff.

K. REGULAR CALENDAR

K-1 "Authorize City Manager to execute fee adjustment agreement for Vintage Oaks Subdivision"

Public Works Director Prima recalled that in 2004 Council approved an increase in development impact fees and allowed for a window of time (through 2005) for projects that were in progress to pay fees at the previous rate. The Vintage Oaks subdivision project did not proceed as quickly as anticipated and its improvement agreement was approved by the Council in late 2005. The developer's understanding was that he had to have the project substantially complete in order to pay the fees. Under the old fee schedule, the amount due would be \$250,000 and the updated fee schedule would increase it to \$300,000.

PUBLIC COMMENTS:

- Jeffery Kirst explained that there was a lot of confusion and communication problems, due to the work being done on Lower Sacramento Road adjacent to his project. He read from the subdivision agreement, "*Payment of the fees shall be deferred until the project is ready for acceptance.*" Mr. Kirst stated that he still cannot complete the Vintage Oaks project because he is waiting for a water tap from the City. He recalled that in November there was a boundary dispute. The City's contract engineer had made a mistake along the boundary and there was a two-foot discrepancy. Mr. Kirst ended up granting an easement at no cost to the City. Mr. Kirst did not believe he should have to pay the higher fee amount; however, he agreed to split the cost difference with the City. He distributed a summary of events that occurred related to the project (filed).

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously authorized the City Manager to execute fee adjustment agreement for Vintage Oaks Subdivision.

RECESS

At 8:48 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:58 p.m.

K. REGULAR CALENDAR (Continued)

K-2 "Provide direction regarding a land lease with the Community Partnership for Families of San Joaquin for construction of a Family Resource Center at Blakely Park and to provide 40 hours in-kind project management assistance from the Public Works Department prior to execution of the lease"

City Manager King recalled that Mayor Pro Tempore Johnson had expressed concern that staff was working on a draft lease agreement for City-owned property without first having obtained direction from Council. He reported that the Community Partnership for Families (CPF) approached staff regarding leasing a site at Blakely Park, adjacent to the Boys and Girls Club, to provide for a Family Resource Center facility. In addition to a land lease of \$1 per year, CPF is requesting 40 hours of in-kind project management assistance from the Public Works Department to provide for project coordination and review prior to the execution of the lease.

PUBLIC COMMENTS:

- Phyllis Grupe recalled that in 1994 a study proposed by the San Joaquin Business Council found that reasons companies were choosing not to locate in the San Joaquin Valley were safety, education, and water. In response to its findings, a group of community leaders traveled to Minneapolis, Minnesota, and Cedar Rapids, Iowa, to investigate programs they had developed, which made a positive impact on the most at-risk and underserved members of their communities. CPF was formed in 1998 with a vision to promote policies and programs that enabled community-based organizations and groups to better join together and work with their clients. CPF members came from the business community, childcare, education, parks and recreation, city and county government agencies, community-based organizations, faith-based organizations, health care, libraries, grassroots organizations, and law enforcement. CPF's strategy is to develop platforms of service that exist in low-income neighborhoods to integrate services, reduce red tape, leverage dollars, improve services, and return individuals and families to healthy and productive positions in the community. CPF's goals are to create self-sufficient families who have quality childcare, employment, healthcare, and financial skills and who are civically involved and have children who are ready to learn, work, and proceed to higher education. CPF serves 500 Lodi families. Its present location in the Boys and Girls Club building is overcrowded. Currently, service providers who work with CPF in the Lodi Family Resource Center include Head Start, Family Resource and Referral, Child Protective Services, and the Women, Infants & Children program. If the proposed new facility is built, new providers will include Mental Health Services, Worknet, Calworks, Health Services, probation officers, and gang outreach specialists. CPF coordinates the annual Celebration on Central event, at which 35 vendors participate and 5,000 people attend. CPF would like to construct a facility west of the Boys and Girls Club building that will include park restrooms, which in their current location, have been vandalized frequently. Statistics have proven that a Family Resource Center located with a Boys and Girls Club is the best possible combination, because families feel comfortable there and it is within walking distance. The center could serve up to 20,000 residents in the surrounding Blakely Park neighborhood. Of 905 families recently served by CPF, there was a 47% decrease in child protective service intervention, 71.4% decrease in juvenile arrests, and 93.7% of the families now have health insurance. There has also been a decrease in unexcused school absences and suspensions. CPF's volunteer Income Tax Assistance Program brought more than \$3 million back to San Joaquin County. There have been 75 families that participated in the Financial Redirection Project where they learned about banking services, credit, savings, home ownership,

and were warned about predatory banking practices. One in four families in San Joaquin County live in poverty. CPF has six Family Resource Centers in San Joaquin County along the Highway 99 corridor. She asked for Council's support in CPF's efforts to bring a 5,000 square foot Family Resource Center to Lodi's east side community adjacent to the Boys and Girls Club.

- Ann Cerney stated that she was supportive of the work done by CPF; however, she expressed concern about the loss of park space in that area and suggested that the open space be replaced.

Council Member Hansen recalled having reported to Council on many occasions about the meetings he had attended related to this proposal and mentioned that he had been involved with CPF since its inception. A Family Resource Center provides tools for people to become productive members of society. It is designed to help people access the services they deserve and to teach, encourage, and provide opportunities for them to be self sufficient so they are not reliant upon social service programs.

Council Member Mounce expressed support for the services provided by CPF and mentioned that she had referred friends and neighbors to the organization. She was opposed to the location because it would take away parkland. She encouraged CPF to look at other northeast areas of the city and suggested the vacant lot near Valley Industries, a partnership with the church across the street from the Boys and Girls Club, or the nearby Lodi Academy School.

Mayor Pro Tempore Johnson recalled voting against a proposal brought forward several years ago to build a 3,000 square foot building adjacent to the Boys and Girls Club to accommodate CPF. He was not in support of the proposal then or now to build a facility on parkland. He felt that Council should see a plan before discussing a lease. He noted that CPF is paying \$2,500 a month to rent space now from the Boys & Girls Club, and if they were to leave, the Club would need to find another tenant which would also impact parking, etc. in the area. He advised CPF to consider other locations such as the Maple Square site at the corner of Lodi Avenue and Sacramento Street, and asked City Manager King to return with information on whether the site could accommodate the project.

Mayor Hitchcock expressed support for the work of CPF and the location proposed, as it is advantageous for its clients who also receive services from the Boys and Girls Club. She felt there would be adequate space remaining in the park for recreation purposes.

Council Member Beckman asked CPF to return with the plans for the Family Resource Center so that Council can better understand the size, scope, and impact it would have.

Council Member Hansen emphasized the benefits of a Family Resource Center being next to a Boys and Girls Club facility. He felt that choosing any other location would be a disservice to the families in Lodi that need assistance. He pointed out that this matter was considered and approved by the Parks and Recreation Commission. He strongly urged Council to approve the request and noted that the City has already invested in this project with Community Development Block Grant funds.

- Robina Asghar reported that Larry Wenell of Wenell Mattheis Bowe Architects has been working with the community and service providers to design the Family Resource Center. Thus far, \$20,000 has been spent on preliminary plans, of the \$45,000 allocated from CDBG funds. She stated that the public restrooms at Blakely Park have been problematic because they are located in a position where the police cannot scan



them while patrolling the area. The 5,000 square foot Family Resource Center would include new public restrooms for the park, better located for police surveillance. Ms. Asghar reported that there are gang problems in the area, which prevent families from coming to the park. She felt that by building the Family Resource Center at Blakely Park it would give the park back to the families who need it. She recalled coming to Lodi six years ago and discovering that many Muslim girls were not attending school. This year, 26 of those girls will be graduating. She felt that the benefits of a Family Resource Center would far outweigh the drawback of losing park space in the community.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hitchcock second, directed staff to bring this matter back to Council as soon as possible with the site and architectural plans that have been prepared by the Community Partnership for Families for the proposed Family Resource Center and that staff return with information related to vandalism and police reports associated with the public restrooms at Blakely Park. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Mounce

Absent: Council Members – None

- K-3 “Conceptual discussion of the Lodi Science Museum leasing the Downtown Lodi Parking Garage retail space and provide direction to the City Manager to enter into negotiations and/or other alternative actions as deemed necessary”

City Manager King reported that a group of citizens has formed an organization called The Lodi Science Museum and have proposed that the City enter into a pre-agreement, which would allow the museum to raise funds for tenant improvements at the Downtown Lodi Parking Garage retail space with a goal that it would eventually house the Science Museum. The group would have a period of six months to raise the funds for the tenant improvements. If it proceeded, the Science Museum would be open a minimum of 33 hours a week. Rent for the facility would go to the transit fund. He noted that Hertz Realty, which owns several properties on Sacramento Street, is supportive of this proposal.

PUBLIC COMMENTS:

- Sally Snyder stated that the mission of the Science Museum is to create a facility that offers hands-on, science-based exhibits and programs to stimulate discovery for all ages. She believed that it would increase tourism in Lodi and fill a need for families and the school system throughout the Central Valley. She anticipated that 25,000 visitors would come to the Science Museum in its first year. Tenant improvements are estimated to cost between \$50,000 and \$100,000. In-kind donations, labor, and engineering will be donated. Start up costs are estimated at \$165,000.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously directed the City Manager to enter into negotiations with the Lodi Science Museum and/or other alternative actions as deemed necessary regarding leasing Downtown Lodi Parking Garage retail space.

- K-4 “Adopt resolution authorizing the City Manager to enter into a contract with Dyett & Bhatia in the amount of \$920,020 for contract services related to the preparation of the General Plan update”

Community Development Director Hatch reported that on January 31 a Request for Qualifications was sent to 21 firms. Five qualified firms responded by the February 14 deadline. Of those firms, it was narrowed down to three who were interviewed and references checked. The evaluation process was done by Public Works and Planning staff;

the Planning Commission was not involved. Staff recommends the firm of Dyett & Bhatia to prepare the General Plan update. Mr. Hatch explained that he recommended the firm over Minteir & Associates as he believed it would differentiate Lodi from the rest of the Central Valley communities.

Council Member Beckman asked staff to bring the matter back to Council if at any point in the process the budget is exceeded.

In response to questions posed by Council, Mr. Bhatia reported that he was the project manager for the Capitol area plan in Sacramento. He has served as the principle in 15 general plans and 25 other projects of significance in his career. Mr. Bhatia assured Council he was a hands-on manager and had a strong planning and economic development background.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, unanimously adopted Resolution No. 2006-94 authorizing the City Manager to enter into a contract with Dyett & Bhatia in the amount of \$920,020 for contract services related to the preparation of the General Plan update.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

K. REGULAR CALENDAR (Continued)

NOTE: The following item was heard out of order.

K-6 "Introduce ordinance repealing and reenacting Lodi Municipal Code Title 5 – Permits and Regulations – Chapter 5.12, "Cardrooms," allowing Lodi card rooms to play Texas Hold'em"

City Attorney Schwabauer explained that the delay for this matter was due to it being reviewed by the State Attorney General's Office Division of Gambling Control. Its recommendations have been incorporated into the ordinance now before Council. The game Texas Hold'em has been added as requested by Jack Morgan, owner of Jacks Back Cardroom. Eight tables will be allowed with ten players per table. Hours will be extended to 4:00 a.m. Saturdays and Sundays. Signs can be displayed consistent with the City's sign ordinance. The business will pay 9% of its gross revenue to the City as a permit fee for its operation.

PUBLIC COMMENTS:

- Tom Newton, attorney representing Jack Morgan, acknowledged that the existing facility is not large enough to accommodate the increased number of tables, so another location is being sought. He preferred that the ordinance allow any game that is approved by the Department of Gambling Control.

Mayor Hitchcock stated that she was in favor of the ordinance as written so that the Council is made aware of any new games being added. She mentioned that adequate parking should be made available so that there is no negative impact to the surrounding neighborhood of the card room.

In reply to Council Member Mounce, Mr. Newton reported that the Department of Gambling Control periodically reviews and audits the books.

Mr. Schwabauer stated that the Finance Department asked that its audit be subject to their discretion rather than setting a specific time. Police Chief Adams has reviewed the proposed ordinance and was satisfied with it as written.

Council Member Hansen felt there should be a conditional use permit required for card rooms.

- David Neilsen mentioned that Jack Morgan has operated card rooms for over 40 years and never had any problems associated with his operation.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Mounce second, unanimously introduced Ordinance No. 1779 repealing and reenacting Lodi Municipal Code Title 5 – Permits and Regulations – Chapter 5.12, “Cardrooms,” allowing Lodi card rooms to play Texas Hold’em.

- K-5 “Adopt resolution awarding contract for Asphalt Rubber Cape Seal, Various Streets, 2006 to International Surfacing Systems, Inc., of Modesto (\$358,900), and appropriating funds (\$395,000)”

George Bradley, Street Superintendent, explained that asphalt rubber cape seal is a combination of a chip seal and slurry seal. Staff is proposing to use a rubberized chip seal with a slurry seal over it. The binder will be rubberized asphalt, which is applied at twice the normal thickness. The chip is heated and coated with asphalt. A thin overlay on the project would cost \$800,000; however, the rubberized cape seal will cost \$360,000. It provides resistance to cracking and there is less dust.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously adopted Resolution No. 2006-95 awarding contract for Asphalt Rubber Cape Seal, Various Streets, 2006 to International Surfacing Systems, Inc., of Modesto, in the amount of \$358,900 and appropriating funds in the amount of \$395,000.

- K-7 “Adopt resolutions of various matters pertaining to the November 7, 2006, General Municipal Election:

- “a) Resolution calling and giving notice of the holding of a General Municipal Election
- “b) Resolution approving entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services
- “c) Resolution regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot
- “d) Resolution adopting regulations pertaining to the candidates’ statements”

City Clerk Blackston reported that the Council Member candidate nomination period for the November General Municipal Election will be July 17 through August 11. If an incumbent does not file, the nomination period will be extended through August 16. Ms. Blackston briefly introduced the four resolutions under consideration.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously adopted the following resolutions pertaining to the November 7, 2006, General Municipal Election:

- Resolution No. 2006-96 calling and giving notice of the holding of a General Municipal Election;
- Resolution No. 2006-97 approving entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services;
- Resolution No. 2006-98 regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot; and
- Resolution No. 2006-99 adopting regulations pertaining to the candidates’ statements.

K-8 "Public Employee Appointment – Interim City Clerk pursuant to Government Code §54957"

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2006-100 appointing Jennifer M. Perrin as Interim City Clerk beginning June 1, 2006, until such time as an appointment to the position is made and to provide a 10% temporary upgrade in salary while serving in this capacity.

K-9 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$144,161.99)"

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$144,161.99, as detailed below:

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8002	94732	3/31/2006	People v. M&P Investments	43,031.08
				(1,040.00)
8003	94738	3/31/2006	Hartford Insurance Coverage Litigation	84,406.28
				(4,360.00)
8008	94725	3/31/2006	City of Lodi v. Envision Law Group	8,556.68
	6143	2/28/2006	Peter Krasnoff, Expert	3,887.50
	12984	4/2/2006	Keith O'Brien, Hydrogeologist	7,102.34
				<u>\$141,583.88</u>

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	100351.7323
11233.001	224621	03/25/06	General advice	153.50	153.50
11233.026	224621	03/25/06	Lodi First v. City of Lodi	1,005.16	1,005.16
11233.027	224621	03/25/06	Citizens for Open Govt. v. City of Lodi	362.45	362.45
11233.029	224621	03/25/06	AT&T v. City of Lodi	1,057.00	1,057.00
				<u>2,578.11</u>	<u>2,578.11</u>

L. ORDINANCES

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:03 a.m., Thursday, May 18, 2006.

ATTEST:

Susan J. Blackston  
City Clerk